

TITLE 17.—COPYRIGHTS

This title was enacted by act July 39, 1947, ch. 391, 61 Stat. 652

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2.....Mar. 4, 1909, ch. 320, § 2, 35 Stat. 1076.		2
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9.....Mar. 4, 1909, ch. 320, § 9, 35 Stat. 1077.		10
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25.....Mar. 4, 1909, ch. 320, § 25, 35 Stat. 1081.		101
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POSITIVE LAW; CITATION

This title has been made positive law by section 1 of act July 30, 1947, ch. 391, 61 Stat. 652, which provided in part that: "title 17 of the United States Code entitled 'Copyrights' is codified and enacted into positive law and may be cited as 'Title 17, U. S. C., § —.'"

REPEALS

Section 2 of act July 30, 1947, ch. 391, 61 Stat. 652, repealed all sections or parts thereof of the Revised Statutes and Statutes at Large covering provisions codified in this title and provided that any rights or liabilities now existing under such repealed sections shall not be affected by such repeal.

REPEAL OF SECTION 63 OF THIS TITLE

Former section 63 of this title, act June 18, 1874, ch. 301, § 3, 18 Stat. 79, related to registration of prints and labels, and was repealed by act Jan. 31, 1939, ch. 396, § 1, 53 Stat. 1142 eff. June 30, 1939. Present provisions are now covered by section 6 of this title.

CROSS REFERENCES

Exclusive jurisdiction of Federal courts over actions and proceedings under copyright laws, see section 1338 of Title 28, Judiciary and Judicial Procedure.

Power of the Congress to regulate copyrights, see Const., Art. I, § 8.

Chapter 1.—REGISTRATION OF COPYRIGHTS

- Sec. 1. Exclusive rights as to copyrighted works.
2. Rights of author or proprietor of unpublished work.
3. Protection of component parts of work copyrighted; composite works or periodicals.
4. All writings of author included.

Sec.

5. Classification of works for registration.
6. Registration of prints and labels.
7. Copyright on compilations of works in public domain or of copyrighted works; subsisting copyrights not affected.
8. Copyright not to subsist in works in public domain, or published prior to July 1, 1909, and not already copyrighted, or Government publications; publication by Government of copyrighted material.
9. Authors or proprietors, entitled; aliens.
10. Publication of work with notice.
11. Registration of claim and issuance of certificate.
12. Works not reproduced for sale.
13. Deposit of copies after publication; action or proceeding for infringement.
14. Same; failure to deposit; demand; penalty.
15. Same; postmaster's receipt; transmission by mail without cost.
16. Mechanical work to be done in United States.
17. Affidavit to accompany copies.
18. Making false affidavit.
19. Notice; form.
20. Same; place of application of; one notice in each volume or number of newspaper or periodical.
21. Same; effect of accidental omission from copy or copies.
22. Ad interim protection of book or periodical published abroad.
23. Same; extension to full term.
24. Duration; renewal and extension.
25. Renewal of copyrights registered in Patent Office under repealed law.
26. Terms defined.
27. Copyright distinct from property in object copyrighted; effect of sale of object, and of assignment of copyright.
28. Assignments and bequests.
29. Same; executed in foreign country; acknowledgment and certificate.
30. Same; record.
31. Same; certificate of record.
32. Same; use of name of assignee in notice.

AMENDMENTS

1949—Act June 3, 1949, ch. 171, § 5, 63 Stat. 154, inserted "or periodical" in item 22.

§ 1. Exclusive rights as to copyrighted works.

Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

(a) To print, reprint, publish, copy, and vend the copyrighted work;

(b) To translate the copyrighted work into other languages or dialects, or make any other version thereof, if it be a literary work; to dramatize it if it be a nondramatic work; to convert it into a novel or other nondramatic work if it be a drama; to arrange or adapt it if it be a musical work; to complete, execute, and finish it if it be a model or design for a work of art;

(c) To deliver, authorize the delivery of, read, or present the copyrighted work in public for profit if it be a lecture, sermon, address or similar production, or other nondramatic literary work; to make or procure the making of any transcription or record thereof by or from which, in whole or in part, it may in any manner or by any method be exhibited, delivered, presented, produced, or reproduced; and to play or perform it in public for profit, and to exhibit, represent, produce, or reproduce it in any manner or by any method whatsoever. The damages for the infringement by broadcast of any work referred to in this subsection shall not exceed the

sum of \$100 where the infringing broadcaster shows that he was not aware that he was infringing and that such infringement could not have been reasonably foreseen; and

(d) To perform or represent the copyrighted work publicly if it be a drama or, if it be a dramatic work and not reproduced in copies for sale, to vend any manuscript or any record whatsoever thereof; to make or to procure the making of any transcription or record thereof by or from which, in whole or in part, it may in any manner or by any method be exhibited, performed, represented, produced, or reproduced; and to exhibit, perform, represent, produce, or reproduce it in any manner or by any method whatsoever; and

(e) To perform the copyrighted work publicly for profit if it be a musical composition; and for the purpose of public performance for profit, and for the purposes set forth in subsection (a) hereof, to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: *Provided*, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights. And as a condition of extending the copyright control to such mechanical reproductions, that whenever the owner of a musical copyright has used or permitted or knowingly acquiesced in the use of the copyrighted work upon the parts of instruments serving to reproduce mechanically the musical work, any other person may make similar use of the copyrighted work upon the payment to the copyright proprietor of a royalty of 2 cents on each such part manufactured, to be paid by the manufacturer thereof; and the copyright proprietor may require, and if so the manufacturer shall furnish, a report under oath on the 20th day of each month on the number of parts of instruments manufactured during the previous month serving to reproduce mechanically said musical work, and royalties shall be due on the parts manufactured during any month upon the 20th of the next succeeding month. The payment of the royalty provided for by this section shall free the articles or devices for which such royalty has been paid from further contribution to the copyright except in case of public performance for profit. It shall be the duty of the copyright owner, if he uses the musical composition himself for the manufacture of parts of instruments serving to reproduce mechanically the musical work, or licenses others to do so, to file notice thereof, accompanied by a recording fee, in the copyright office, and any failure to file such notice shall be a complete defense to any suit, action, or proceeding for any infringement of such copyright.

In case of failure of such manufacturer to pay to the copyright proprietor within thirty days after

demand in writing the full sum of royalties due at said rate at the date of such demand, the court may award taxable costs to the plaintiff and a reasonable counsel fee, and the court may, in its discretion, enter judgment therein for any sum in addition over the amount found to be due as royalty in accordance with the terms of this title, not exceeding three times such amount.

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs. (July 30, 1947, ch. 391, 61 Stat. 652; July 17, 1952, ch. 923, § 1, 66 Stat. 752.)

AMENDMENTS

1952—Subsec. (c). Act July 17, 1952, provided that all recordation rights in nondramatic literary works will be protected and this protection includes any subsequent recordation or copying of original works.

EFFECTIVE DATE OF 1952 AMENDMENT

Amendment of subsec. (c) made effective Jan. 1, 1953, by section 2 of act July 17, 1952.

CROSS REFERENCES

Action for infringement of copyright, see section 101 of this title.

Ad interim protection of book or periodical published abroad, see section 22 of this title.

Assignment and bequests of copyright, see section 28 of this title.

Classification of works for registration, see section 5 of this title.

Common law rights not abrogated, see section 2 of this title.

Copyright as distinct from property in object copyrighted, see section 27 of this title.

Copyright not capital asset, see section 1221 (3) of Title 26, Internal Revenue Code.

Definitions—

Author, see section 26 of this title.

Date of publication, see section 26 of this title.

Duration, renewal and extension of copyright, see section 24 of this title.

Fee for recording notice of use, see section 215 of this title.

Form U—For notice of use of music on mechanical instruments, see Rules and Regulations § 202.3 (c), set out in Appendix to this title.

Government publications as not copyrightable, see section 58 of Title 44, Public Printing and Documents, and section 8 of this title.

Immoral and scandalous trade-marks, registrability, see section 1052 of Title 15, Commerce and Trade.

Mechanical reproduction rights, exemption of foreign states, see section 9 of this title.

Nonperformance for profit of musical compositions, see section 104 of this title.

Notice of use, recording of, see Rules and Regulations § 202.18 set out in Appendix to this title.

Power of Congress to grant authors exclusive right to their writings, see Const. Art. 1, § 8, cl. 8.

Proclamation by President granting foreign authors copyright protection, see section 9 of this title.

Rules and regulations for registration of claims to copyright, see section 207 of this title.

§ 2. Rights of author or proprietor of unpublished work.

Nothing in this title shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity, to prevent the copying, publication, or use of such unpublished work without his consent, and to obtain damages therefor. (July 30, 1947, ch. 391, 61 Stat. 654.)

CROSS REFERENCES

Copyright of works not reproduced for sale, see section 12 of this title.

Jurisdiction of district courts of actions—

Arising under copyright laws, see section 1338 of Title 28, Judiciary and Judicial Procedure.

Founded on diversity of citizenship, see section 1332 of Title 28, Judiciary and Judicial Procedure.

Venue of action founded on diversity of citizenship jurisdiction, see section 1391 of Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

Injunctions, see rule 65, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 3. Protection of component parts of work copyrighted; composite works or periodicals.

The copyright provided by this title shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope of such copyright. The copyright upon composite works or periodicals shall give to the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this title. (July 30, 1947, ch. 391, 61 Stat. 654; Oct. 31, 1951, ch. 655, § 16 (a), 65 Stat. 716.)

AMENDMENTS

1951—Act Oct. 31, 1951, substituted "title" for "tile" in first sentence.

CROSS REFERENCES

Exclusive rights as to copyrighted works, see section 1 of this title.

Infringement of copyrighted works, see section 101 of this title.

§ 4. All writings of author included.

The works for which copyright may be secured under this title shall include all the writings of an author. (July 30, 1947, ch. 391, 61 Stat. 654.)

CROSS REFERENCES

Classification of works for registration, see section 5 of this title.

§ 5. Classification of works for registration.

The application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

(a) Books, including composite and cyclopedic works, directories, gazetteers, and other compilations.

(b) Periodicals, including newspapers.

(c) Lectures, sermons, addresses (prepared for oral delivery).

(d) Dramatic or dramatico-musical compositions.

(e) Musical compositions.

(f) Maps.

(g) Works of art; models or designs for works of art.

(h) Reproductions of a work of art.

(i) Drawings or plastic works of a scientific or technical character.

(j) Photographs.

(k) Prints and pictorial illustrations including prints or labels used for articles of merchandise.

(l) Motion-picture photoplays.

(m) Motion pictures other than photoplays.

The above specifications shall not be held to limit the subject matter of copyright as defined in section

4 of this title, nor shall any error in classification invalidate or impair the copyright protection secured under this title. (July 30, 1947, ch. 391, 61 Stat. 654.)

CROSS REFERENCES

Ali writings of author included, see section 4 of this title.

Certificate of registration, see section 209 of this title.

Copyright distinct from property copyrighted, see section 27 of this title.

Copyright on compilations of works in public domain or of copyrighted works, see section 7 of this title.

Deposit of photographs or other identifying reproductions in lieu of copies, see section 13 of this title.

Exclusive rights as to copyrighted works, see section 1 of this title.

Fees for registration of claims to copyright, see section 215 of this title.

Forms of application for registration of copyrighted works, see § 202.3 of Rules and Regulations for Registration of Claims to Copyright, set out in Appendix to this title.

Government publications not copyrightable, see section 58 of Title 44, Public Printing and Documents and section 8 of this title.

Mechanical work to be done in United States, see section 16 of this title.

Notice of copyright, see section 19 of this title.

Patent for designs, see section 171 et seq. of Title 35, Patents.

Persons entitled to copyright, see section 9 of this title.

Protection of component parts of work copyrighted, see section 3 of this title.

Registration of prints and labels, see section 6 of this title.

Works not reproduced for sale, see section 12 of this title.

§ 6. Registration of prints and labels.

Commencing July 1, 1940, the Register of Copyrights is charged with the registration of claims to copyright properly presented, in all prints and labels published in connection with the sale or advertisement of articles of merchandise, including all claims to copyright in prints and labels pending in the Patent Office and uncleared at the close of business June 30, 1940. There shall be paid for registering a claim of copyright in any such print or label not a trade-mark \$6, which sum shall cover the expense of furnishing a certificate of such registration, under the seal of the Copyright Office, to the claimant of copyright. (July 30, 1947, ch. 391, 61 Stat. 654.)

CROSS REFERENCES

Action for infringement, see section 101 of this title.

Patents for designs, see section 171 et seq. of Title 35, Patents.

Trade-marks registrable on principal register, see section 1052 of Title 15, Commerce and Trade.

§ 7. Copyright on compilations of works in public domain or of copyrighted works; subsisting copyrights not affected.

Compilations or abridgments, adaptations, arrangements, dramatizations, translations, or other versions of works in the public domain or of copyrighted works when produced with the consent of the proprietor of the copyright in such works, or works republished with new matter, shall be regarded as new works subject to copyright under the provisions of this title; but the publication of any such new works shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copy-

right in such original works. (July 30, 1947, ch. 391, 61 Stat. 655.)

CROSS REFERENCES

Classification of works for registration, see section 5 of this title.

Exclusive rights as to copyrighted works, see section 1 of this title.

§ 8. Copyright not to subsist in works in public domain, or published prior to July 1, 1909, and not already copyrighted, or Government publications; publication by Government of copyrighted material.

No copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to July 1, 1909, and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof, except that the Postmaster General may secure copyright on behalf of the United States in the whole or any part of the publications authorized by section 2506 of title 39.

The publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgment or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor. (July 30, 1947, ch. 391, 61 Stat. 655; Oct. 31, 1951, ch. 655, § 16 (b), 65 Stat. 716; Sept. 7, 1962, Pub. L. 87-646, § 21, 76 Stat. 446.)

AMENDMENTS

1962—Pub. L. 87-646 substituted "thereof, except that the Postmaster General may secure copyright on behalf of the United States in the whole or any part of the publications authorized by section 2506 of title 39" for "thereof: *Provided*, That copyright may be secured by the Postmaster General on behalf of the United States in the whole or any part of the publications authorized by section 1 of the act of January 27, 1938 (39 U.S.C. 371)."

1951—Act Oct. 31, 1951, substituted "January" for "June" near the end of first paragraph.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment of section by Pub. L. 87-646, effective Nov. 1, 1962, see section 23(a) of Pub. L. 87-646, set out as a note under section 1 of Title 39, The Postal Service.

CONTINUATION OF ORDERS, RULES, AND REGULATIONS

Orders, rules, and regulations in effect under provisions of law superseded or amended by Pub. L. 87-646, to remain in effect, to the extent they would have been authorized under Pub. L. 87-646, until specifically repealed, amended, or revised, see section 22 of Pub. L. 87-646, set out as a note under section 1 of Title 39, The Postal Service.

CROSS REFERENCES

Action against United States founded upon an act of Congress, see section 1346 (a) (2) of Title 28, Judiciary and Judicial Procedure.

Common law copyright protected, see section 2 of this title.

Expiration of copyright term, see section 24 of this title.

Government publications not copyrightable, see section 58 of Title 44, Public Printing and Documents.

§ 9. Authors or proprietors, entitled; aliens.

The author or proprietor of any work made the subject of copyright by this title, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this title: *Provided, however*, That the copyright secured by this title shall extend to the

work of an author or proprietor who is a citizen or subject of a foreign state or nation only under the conditions described in subsections (a), (b), or (c) below:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require: *Provided*, That whenever the President shall find that the authors, copyright owners, or proprietors of works first produced or published abroad and subject to copyright or to renewal of copyright under the laws of the United States, including works subject to ad interim copyright, are or may have been temporarily unable to comply with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States, because of the disruption or suspension of facilities essential for such compliance, he may by proclamation grant such extension of time as he may deem appropriate for the fulfillment of such conditions or formalities by authors, copyright owners, or proprietors who are citizens of the United States or who are nationals of countries which accord substantially equal treatment in this respect to authors, copyright owners, or proprietors who are citizens of the United States: *Provided further*, That no liability shall attach under this title for lawful uses made or acts done prior to the effective date of such proclamation in connection with such works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

The President may at any time terminate any proclamation authorized herein or any part thereof or suspend or extend its operation for such period or periods of time as in his judgment the interests of the United States may require.

(c) When the Universal Copyright Convention, signed at Geneva on September 6, 1952, shall be in force between the United States of America and the foreign state or nation of which such author is a citizen or subject, or in which the work was first published. Any work to which copyright is extended pursuant to this subsection shall be exempt from the following provisions of this title: (1) The requirement in section 1 (e) that a foreign state or nation must grant to United States citizens mechan-

ical reproduction rights similar to those specified therein; (2) the obligatory deposit requirements of the first sentence of section 13; (3) the provisions of sections 14, 16, 17, and 18; (4) the import prohibitions of section 107, to the extent that they are related to the manufacturing requirements of section 16; and (5) the requirements of sections 19 and 20: *Provided, however*, That such exemptions shall apply only if from the time of first publication all the copies of the work published with the authority of the author or other copyright proprietor shall bear the symbol © accompanied by the name of the copyright proprietor and the year of first publication placed in such manner and location as to give reasonable notice of claim of copyright.

Upon the coming into force of the Universal Copyright Convention in a foreign state or nation as hereinbefore provided, every book or periodical of a citizen or subject thereof in which ad interim copyright was subsisting on the effective date of said coming into force shall have copyright for twenty-eight years from the date of first publication abroad without the necessity of complying with the further formalities specified in section 23 of this title.

The provisions of this subsection shall not be extended to works of an author who is a citizen of, or domiciled in the United States of America regardless of place of first publication, or to works first published in the United States. (July 30, 1947, ch. 391, 61 Stat. 655; Aug. 31, 1954, ch. 1161, § 1, 68 Stat. 1030.)

AMENDMENTS

1954—Subsec. (c). Act Aug. 31, 1954, added subsec. (c).

EFFECTIVE DATE OF 1954 AMENDMENT

Section 4 of act Aug. 31, 1954, provided that the amendments to sections 9, 16, and 19 of this title shall take effect upon the coming into force of the Universal Copyright Convention. This Convention, ratified by the Senate on June 25, 1954, provides in Art. IX that it shall be effective three months after ratifications have been deposited by twelve countries.

UNIVERSAL COPYRIGHT CONVENTION

The Unesco Universal Copyright Convention was adopted by the Intergovernmental Copyright Conference at Geneva, Switzerland, on Sept. 6, 1952. It entered into force for the United States on Sept. 16, 1955. Other states which have become parties are: Andorra, Cambodia, Chile, Costa Rica, France, Germany (Fed. Rep.), Haiti, Vatican City, Israel, Laos, Luxembourg, Monaco, Pakistan, and Spain.

The text of the Convention is as follows:
The Contracting States,

Moved by the desire to assure in all countries copyright protection of literary, scientific and artistic works,

Convinced that a system of copyright protection appropriate to all nations of the world and expressed in a universal convention, additional to, and without impairing international systems already in force, will ensure respect for the rights of the individual and encourage the development of literature, the sciences and the arts,

Persuaded that such a universal copyright system will facilitate a wider dissemination of works of the human mind and increase international understanding,

Have agreed as follows:

ARTICLE I

Each Contracting State undertakes to provide for the adequate and effective protection of the rights of authors and other copyright proprietors in literary, scientific and artistic works, including writings, musical, dramatic and cinematographic works, and paintings, engravings and sculpture.

ARTICLE II

1. Published works of nationals of any Contracting State and works first published in that State shall enjoy

in each other Contracting State the same protection as that other State accords to works of its nationals first published in its own territory.

2. Unpublished works of nationals of each Contracting State shall enjoy in each other Contracting State the same protection as that other State accords to unpublished works of its own nationals.

3. For the purpose of this Convention any Contracting State may, by domestic legislation, assimilate to its own nationals any person domiciled in that State.

ARTICLE III

1. Any Contracting State which, under its domestic law, requires as a condition of copyright, compliance with formalities such as deposit, registration, notice, notarial certificates, payment of fees or manufacture or publication in that Contracting State, shall regard these requirements as satisfied with respect to all works protected in accordance with this Convention and first published outside its territory and the author of which is not one of its nationals, if from the time of the first publication all the copies of the work published with the authority of the author or other copyright proprietor bear the symbol © accompanied by the name of the copyright proprietor and the year of first publication placed in such manner and location as to give reasonable notice of claim of copyright.

2. The provisions of paragraph 1 of this article shall not preclude any Contracting State from requiring formalities or other conditions for the acquisition and enjoyment of copyright in respect of works first published in its territory or works of its nationals wherever published.

3. The provisions of paragraph 1 of this article shall not preclude any Contracting State from providing that a person seeking judicial relief must, in bringing the action, comply with procedural requirements, such as that the complainant must appear through domestic counsel or that the complainant must deposit with the court or an administrative office, or both, a copy of the work involved in the litigation; provided that failure to comply with such requirements shall not affect the validity of the copyright, nor shall any such requirement be imposed upon a national of another Contracting State if such requirement is not imposed on nationals of the State in which protection is claimed.

4. In each Contracting State there shall be legal means of protecting without formalities the unpublished works of nationals of other Contracting States.

5. If a Contracting State grants protection for more than one term of copyright and the first term is for a period longer than one of the minimum periods prescribed in article IV, such State shall not be required to comply with the provisions of paragraph 1 of this article III in respect of the second or any subsequent term of copyright.

ARTICLE IV

1. The duration of protection of a work shall be governed, in accordance with the provisions of article II and this article, by the law of the Contracting State in which protection is claimed.

2. The term of protection for works protected under this Convention shall not be less than the life of the author and 25 years after his death.

However, any Contracting State which, on the effective date of this Convention in that State, has limited this term for certain classes of works to a period computed from the first publication of the work, shall be entitled to maintain these exceptions and to extend them to other classes of works. For all these classes the term of protection shall not be less than 25 years from the date of first publication.

Any Contracting State which, upon the effective date of this Convention in that State, does not compute the term of protection upon the basis of the life of the author, shall be entitled to compute the term of protection from the date of the first publication of the work or from its registration prior to publication, as the case may be, provided the term of protection shall not be less than 25 years from the date of first publication or from its registration prior to publication, as the case may be.

If the legislation of a Contracting State grants two or more successive terms of protection, the duration of the first term shall not be less than one of the minimum periods specified above.

3. The provisions of paragraph 2 of this article shall not apply to photographic works or to works of applied art; provided, however, that the term of protection in those Contracting States which protect photographic works, or works of applied art in so far as they are protected as artistic works, shall not be less than ten years for each of said classes of works.

4. No Contracting State shall be obliged to grant protection to a work for a period longer than that fixed for the class of works to which the work in question belongs, in the case of unpublished works by the law of the Contracting State of which the author is a national, and in the case of published works by the law of the Contracting State in which the work has been first published.

For the purposes of the application of the preceding provision, if the law of any Contracting State grants two or more successive terms of protection, the period of protection of that State shall be considered to be the aggregate of those terms. However, if a specified work is not protected by such State during the second or any subsequent term for any reason, the other Contracting States shall not be obliged to protect it during the second or any subsequent term.

5. For the purposes of the application of paragraph 4 of this article, the work of a national of a Contracting State, first published in a non-Contracting State, shall be treated as though first published in the Contracting State of which the author is a national.

6. For the purposes of the application of paragraph 4 of this article, in case of simultaneous publication in two or more Contracting States, the work shall be treated as though first published in the State which affords the shortest term; any work published in two or more Contracting States within thirty days of its first publication shall be considered as having been published simultaneously in said Contracting States.

ARTICLE V

1. Copyright shall include the exclusive right of the author to make, publish, and authorize the making and publication of translations of works protected under this Convention.

2. However, any Contracting State may, by its domestic legislation, restrict the right of translation of writings, but only subject to the following provisions:

If, after the expiration of a period of seven years from the date of the first publication of a writing, a translation of such writing has not been published in the national language or languages, as the case may be, of the Contracting State, by the owner of the right of translation or with his authorization, any national of such Contracting State may obtain a non-exclusive license from the competent authority thereof to translate the work and publish the work so translated in any of the national languages in which it has not been published; provided that such national, in accordance with the procedure of the State concerned, establishes either that he has requested, and been denied, authorization by the proprietor of the right to make and publish the translation, or that, after due diligence on his part, he was unable to find the owner of the right. A license may also be granted on the same conditions if all previous editions of a translation in such language are out of print.

If the owner of the right of translation cannot be found, then the applicant for a license shall send copies of his application to the publisher whose name appears on the work and, if the nationality of the owner of the right of translation is known, to the diplomatic or consular representative of the State of which such owner is a national, or to the organization which may have been designated by the government of that State. The license shall not be granted before the expiration of a period of two months from the date of the dispatch of the copies of the application.

Due provision shall be made by domestic legislation to assure to the owner of the right of translation a com-

pensation which is just and conforms to international standards, to assure payment and transmittal of such compensation, and to assure a correct translation of the work.

The original title and the name of the author of the work shall be printed on all copies of the published translation. The license shall be valid only for publication of the translation in the territory of the Contracting State where it has been applied for. Copies so published may be imported and sold in another Contracting State if one of the national languages of such other State is the same language as that into which the work has been so translated, and if the domestic law in such other State makes provision for such licences and does not prohibit such importation and sale. Where the foregoing conditions do not exist, the importation and sale of such copies in a Contracting State shall be governed by its domestic law and its agreements. The license shall not be transferred by the licensee.

The license shall not be granted when the author has withdrawn from circulation all copies of the work.

ARTICLE VI

"Publication", as used in this Convention, means the reproduction in tangible form and the general distribution to the public of copies of a work from which it can be read or otherwise visually perceived.

ARTICLE VII

This Convention shall not apply to works or rights in works which, at the effective date of the Convention in a Contracting State where protection is claimed, are permanently in the public domain in the said Contracting State.

ARTICLE VIII

1. This Convention, which shall bear the date of September 6, 1952, shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization and shall remain open for signature by all States for a period of 120 days after that date. It shall be subject to ratification or acceptance by the signatory States.

2. Any State which has not signed this Convention may accede thereto.

3. Ratification, acceptance or accession shall be effected by the deposit of an instrument to that effect with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE IX

1. This Convention shall come into force three months after the deposit of twelve instruments of ratification, acceptance or accession, among which there shall be those of four States which are not members of the International Union for the Protection of Literary and Artistic Works.

2. Subsequently, this Convention shall come into force in respect of each State three months after that State has deposited its instrument of ratification, acceptance or accession.

ARTICLE X

1. Each State party to this Convention undertakes to adopt, in accordance with its Constitution, such measures as are necessary to ensure the application of this Convention.

2. It is understood, however, that at the time an instrument of ratification, acceptance or accession is deposited on behalf of any State, such State must be in a position under its domestic law to give effect to the terms of this Convention.

ARTICLE XI

1. An Intergovernmental Committee is hereby established with the following duties:

(a) to study the problems concerning the application and operation of this Convention;

(b) to make preparation for periodic revisions of this Convention;

(c) to study any other problems concerning the international protection of copyright, in co-operation with the various interested international organizations, such as the United Nations Educational, Scientific and Cul-

tural Organization, the International Union for the Protection of Literary and Artistic Works and the Organization of American States;

(d) to inform the Contracting States as to its activities.

2. The Committee shall consist of the representatives of twelve Contracting States to be selected with due consideration to fair geographical representation and in conformity with the Resolution relating to this article, annexed to this Convention.

The Director-General of the United Nations Educational, Scientific and Cultural Organization, the Director of the Bureau of the International Union for the Protection of Literary and Artistic Works and the Secretary-General of the Organization of American States, or their representatives, may attend meetings of the Committee in an advisory capacity.

ARTICLE XII

The Intergovernmental Committee shall convene a conference for revision of this Convention whenever it deems necessary, or at the request of at least ten Contracting States, or of a majority of the Contracting States if there are less than twenty Contracting States.

ARTICLE XIII

Any Contracting State may, at the time of deposit of its instrument of ratification, acceptance or accession, or at any time thereafter, declare by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization that this Convention shall apply to all or any of the countries or territories for the international relations of which it is responsible and this Convention shall thereupon apply to the countries or territories named in such notification after the expiration of the term of three months provided for in article IX. In the absence of such notification, this Convention shall not apply to any such country or territory.

ARTICLE XIV

1. Any Contracting State may denounce this Convention in its own name or on behalf of all or any of the countries or territories as to which a notification has been given under article XIII. The denunciation shall be made by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization.

2. Such denunciation shall operate only in respect of the State or of the country or territory on whose behalf it was made and shall not take effect until twelve months after the date of receipt of the notification.

ARTICLE XV

A dispute between two or more Contracting States concerning the interpretation or application of this Convention, not settled by negotiation, shall, unless the States concerned agree on some other method of settlement, be brought before the International Court of Justice for determination by it.

ARTICLE XVI

1. This Convention shall be established in English, French and Spanish. The three texts shall be signed and shall be equally authoritative.

2. Official texts of this Convention shall be established in German, Italian and Portuguese.

Any Contracting State or group of Contracting States shall be entitled to have established by the Director-General of the United Nations Educational, Scientific and Cultural Organization other texts in the language of its choice by arrangement with the Director-General.

All such texts shall be annexed to the signed texts of this Convention.

ARTICLE XVII

1. This Convention shall not in any way affect the provisions of the Berne Convention for the Protection of Literary and Artistic Works or membership in the Union created by that Convention.

2. In application of the foregoing paragraph, a Declaration has been annexed to the present article. This Declaration is an integral part of this Convention for the States bound by the Berne Convention on January 1, 1951, or which have or may become bound to it at a later date. The signature of this Convention by such

States shall also constitute signature of the said Declaration, and ratification, acceptance or accession by such States shall include the Declaration as well as the Convention.

ARTICLE XVIII

This Convention shall not abrogate multilateral or bilateral copyright conventions or arrangements that are or may be in effect exclusively between two or more American Republics. In the event of any difference either between the provisions of such existing conventions or arrangements and the provisions of this Convention, or between the provisions of this Convention and those of any new convention or arrangement which may be formulated between two or more American Republics after this Convention comes into force, the convention or arrangement most recently formulated shall prevail between the parties thereto. Rights in works acquired in any Contracting State under existing conventions or arrangements before the date this Convention comes into force in such State shall not be affected.

ARTICLE XIX

This Convention shall not abrogate multilateral or bilateral conventions or arrangements in effect between two or more Contracting States. In the event of any difference between the provisions of such existing conventions or arrangements and the provisions of this Convention, the provisions of this Convention shall prevail. Rights in works acquired in any Contracting State under existing conventions or arrangements before the date on which this Convention comes into force in such State shall not be affected. Nothing in this article shall affect the provisions of article XVII and XVIII of this Convention.

ARTICLE XX

Reservations to this Convention shall not be permitted.

ARTICLE XXI

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall send duly certified copies of this Convention to the States interested, to the Swiss Federal Council and to the Secretary-General of the United Nations for registration by him.

He shall also inform all interested States of the ratifications, acceptances and accessions which have been deposited, the date on which this Convention comes into force, the notifications under Article XIII of this Convention, and denunciations under Article XIV.

APPENDIX DECLARATION

relating to Article XVII

The States which are members of the International Union for the Protection of Literary and Artistic Works, and which are signatories to the Universal Copyright Convention.

Desiring to reinforce their mutual relations on the basis of the said Union and to avoid any conflict which might result from the co-existence of the Convention of Berne and the Universal Convention,

Have, by common agreement, accepted the terms of the following declaration:

(a) Works which, according to the Berne Convention, have as their country of origin a country which has withdrawn from the International Union created by the said Convention, after January 1, 1951, shall not be protected by the Universal Copyright Convention in the countries of the Berne Union;

(b) The Universal Copyright Convention shall not be applicable to the relationships among countries of the Berne Union insofar as it relates to the protection of works having as their country of origin, within the meaning of the Berne Convention, a country of the International Union created by the said Convention.

RESOLUTION CONCERNING ARTICLE XI

The Intergovernmental Copyright Conference

Having considered the problems relating to the Intergovernmental Committee provided for in Article XI of the Universal Copyright Convention

resolves

1. The first members of the Committee shall be representatives of the following twelve States, each of those

States designating one representative and an alternate: Argentine, Brazil, France, Germany, India, Italy, Japan, Mexico, Spain, Switzerland, United Kingdom, and United States of America.

2. The Committee shall be constituted as soon as the Convention comes into force in accordance with article XI of this Convention;

3. The Committee shall elect its Chairman and one Vice-Chairman. It shall establish its rules of procedure having regard to the following principles:

(a) the normal duration of the term of office of the representatives shall be six years; with one third retiring every two years;

(b) before the expiration of the term of office of any members, the Committee shall decide which States shall cease to be represented on it and which States shall be called upon to designate representatives; the representatives of those States which have not ratified, accepted or acceded shall be the first to retire;

(c) the different parts of the world shall be fairly represented;

and expresses the wish

that the United Nations Educational, Scientific, and Cultural Organization provide its Secretariat.

In faith whereof the undersigned, having deposited their respective full powers, have signed this Convention. Done at Geneva, this sixth day of September, 1952 in a single copy.

Protocol 1 annexed to the Universal Copyright Convention concerning the application of that Convention to the works of stateless persons and refugees

The States parties hereto, being also parties to the Universal Copyright Convention (hereinafter referred to as the "Convention") have accepted the following provisions:

1. Stateless persons and refugees who have their habitual residence in a State party to this Protocol shall, for the purposes of the Convention, be assimilated to the nationals of that State.

2. (a) This Protocol shall be signed and shall be subject to ratification or acceptance, or may be acceded to, as if the provisions of article VIII of the Convention applied hereto.

(b) This Protocol shall enter into force in respect of each State, on the date of deposit of the instrument of ratification, acceptance or accession of the State concerned or on the date of entry into force of the Convention with respect to such State, whichever is the later.

In faith whereof the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Geneva this sixth day of September, 1952, in the English, French and Spanish languages, the three texts being equally authoritative, in a single copy which shall be deposited with the Director-General of Unesco. The Director-General shall send certified copies to the signatory States, to the Swiss Federal Council and to the Secretary-General of the United Nations for registration.

Protocol 2 annexed to the Universal Copyright Convention, concerning the application of that Convention to the works of certain international organizations

The State parties hereto, being also parties to the Universal Copyright Convention (hereinafter referred to as the "Convention"),

Have accepted the following provisions:

1. (a) The protection provided for in article II (1) of the Convention shall apply to works published for the first time by the United Nations, by the Specialized Agencies in relationship therewith, or by the Organisation of American States;

(b) Similarly, article II (2) of the Convention shall apply to the said organisation or agencies.

2. (a) This Protocol shall be signed and shall be subject to ratification or acceptance, or may be acceded to, as if the provisions of article VIII of the Convention applied hereto.

(b) This Protocol shall enter into force for each State on the date of deposit of the instrument of ratification, acceptance or accession of the State concerned or on the date of entry into force of the Convention with respect to such State, whichever is the later.

In faith whereof the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Geneva, this sixth day of September, 1952, in the English, French and Spanish languages, the three texts being equally authoritative, in a single copy which shall be deposited with the Director-General of the Unesco.

The Director-General shall send certificated copies to the signatory States, to the Swiss Federal Council, and to the Secretary-General of the United Nations for registration.

Protocol 3 annexed to the Universal Copyright Convention concerning the effective date of instruments of ratification or acceptance of or accession to that Convention

States parties hereto,

Recognizing that the application of the Universal Copyright Convention (hereinafter referred to as the "Convention") to States participating in all the international copyright systems already in force will contribute greatly to the value of the Convention;

Have agreed as follows:

1. Any State party hereto may, on depositing its instrument of ratification or acceptance of or accession to the Convention, notify the Director-General of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as "Director-General") that that instrument shall not take effect for the purposes of Article IX of the Convention until any other State named in such notification shall have deposited its instrument.

2. The notification referred to in paragraph 1 above shall accompany the instrument to which it relates.

3. The Director-General shall inform all States signatory or which have then acceded to the Convention of any notifications received in accordance with this Protocol.

4. This Protocol shall bear the same date and shall remain open for signature for the same period as the Convention.

5. It shall be subject to ratification or acceptance by the signatory States. Any State which has not signed this Protocol may accede thereto.

6. (a) Ratification or acceptance or accession shall be effected by the deposit of an instrument to that effect with the Director-General.

(b) This Protocol shall enter into force on the date of deposit of not less than four instruments of ratification or acceptance or accession. The Director-General shall inform all interested States of this date. Instruments deposited after such date shall take effect on the date of their deposit.

In faith whereof the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Geneva, the sixth day of September 1952, in the English, French and the Spanish languages, the three texts being equally authoritative, in a single copy which shall be annexed to the original copy of the Convention. The Director-General shall send certified copies to the signatory States to the Swiss Federal Council, and to the Secretary-General of United Nations for registration.

PARTICULAR PROCLAMATIONS, TREATIES AND CONVENTIONS ESTABLISHING COPYRIGHT RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND OTHER COUNTRIES

(Revised to December 1, 1960)

The United States has established copyright relations with various other countries by virtue of presidential proclamations, treaties and conventions. A number of the proclamations were preceded or accompanied by exchanges of diplomatic notes which served as the basis for their issuance.

The following material constitutes a selective listing of certain of these proclamations, treaties and conventions which are of current interest. Citation to the earlier documents can be found in the appendix of *Treaties in Force*, which is a list of treaties and other international agreements of the United States compiled by the Treaty Affairs Staff, Office of the Legal Adviser, Department of State. The list is organized as follows: the first column contains the names of the countries; the second column contains a symbol which indicates the nature of the docu-

ment establishing copyright relations; the third column the date of the document; the fourth column, the effective date of copyright relations between the United States and the country named; and the fifth, a citation to the *United States Statutes at Large*, *Federal Register*, *United States Treaties and Other International Agreements*, or *Treaties and Other International Acts Series* in which the document can be found. Numerical figures in parentheses are references to footnotes which follow the list.

Proclamations by the President of the United States extending copyright protection, upon compliance with the provisions of the United States copyright law, to the works of foreign authors prior to July 1, 1909 were issued pursuant to section 13 of the Act of March 3, 1891 (26 Stat. 1106) and those issued subsequent to July 1, 1909 were under the provisions of sections 1(e) and 8(b) of the Act of March 4, 1909 (35 Stat. 1075) and as later amended. Section 8(b) was amended by the Act of December 18, 1919 (41 Stat. 368) and the Act of September 25, 1941 (55 Stat. 732). Section 1(e) and section 8(b), as amended, later became sections 1(e) and 9(b) of the copyright law and were codified and enacted into positive law in Title 17 of the United States Code, by the Act of July 30, 1947 (61 Stat. 652).

The proclamations issued under the Acts of 1891, 1919 and 1941 are not listed, except in the case of the Proclamation of June 15, 1960, relating to Austria, issued under the Act of 1941. The proclamations issued under the Acts of 1919 and 1941 were for the purpose of extending the period for compliance with the conditions and formalities prescribed by the copyright law with respect to certain works in the case of a number of countries because of the disruption or suspension of facilities essential for such compliance during World War I and World War II. These proclamations are listed in the appendix to *Treaties in Force*.

Mention of the Mexico City Convention of 1902 is made only in the case of El Salvador because all of the other parties thereto, including the United States, subsequently became parties to the Buenos Aires Convention of 1910, which in practical effect replaced the earlier 1902 convention as between parties to the later convention.

The Universal Copyright Convention, together with the three related protocols, entered into force for the United States on September 16, 1955. The Convention became applicable on the same date to the Panama Canal Zone, Puerto Rico, the Virgin Islands, and the present States of Alaska and Hawaii, and became applicable on August 14, 1957, to Guam.

Each of the countries parties to the Universal Copyright Convention, and the related protocols, is listed, the effective dates being given with reference to the Convention only.

KEY TO SYMBOLS

Identification of symbols used in the table and footnotes.

PROCLAMATIONS

P	Proclamation issued pursuant to section 8(b) of the Act of March 4, 1909, and as amended, or section 9(b) of Title 17 of the United States Code.
Pm	Proclamation including mechanical reproduction rights for music under section 1(e) of the United States copyright law.
Pxx	Proclamation providing an extension of time under the Act of September 25, 1941, for compliance with the conditions and formalities prescribed by the United States copyright law.

TREATIES AND CONVENTIONS

BAC	Buenos Aires Convention. Convention on Literary and Artistic Copyrights signed at the Fourth International Conference of American States at Buenos Aires, August 11, 1910.
MCC	Mexico City Convention. Convention on Literary and Artistic Copyrights signed at the Second International Conference of American States at Mexico City, January 27, 1902.
UCC	Universal Copyright Convention. Convention and protocols dated at Geneva September 6, 1952.
Cni	Bilateral Convention including provisions covering mechanical reproduction rights for music.
T	Treaty relating in part to copyright.

REFERENCES

F.R.	Federal Register.
Stat.	United States Statutes at Large.
TIAS	Treaties and Other International Acts Series. (Pamphlet series published by the Department of State).
TS	Treaty Series. (Pamphlet series published by the Department of State).
UST	United States Treaties and other International Agreements.

PARTICULAR PROCLAMATIONS, TREATIES AND CONVENTIONS ESTABLISHING COPYRIGHT RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND OTHER COUNTRIES.

Country	Document	Date signed	Date effective	Reference
Andorra ²⁰	UCC	Sept. 6, 1952	Sept. 16, 1955	6 UST 2731.
Argentina ¹⁹	Pm	Aug. 23, 1934	Aug. 23, 1934	49 Stat. 3413.
	BAC	Aug. 11, 1910	Apr. 19, 1950	38 Stat. 1785.
	UCC	Sept. 6, 1952	Feb. 13, 1958	6 UST 2731.
Australia ¹	Pm	Apr. 3, 1918	Mar. 15, 1918	40 Stat. 1764.
Austria ²	P	Apr. 9, 1910	Mar. 1, 1909	36 Stat. 2685.
	Pm	Mar. 11, 1925	Aug. 1, 1920	44 Stat. 2571.
	UCC	Sept. 6, 1952	July 2, 1957	6 UST 2731.
	Pxx	June 15, 1960	June 15, 1960	TIAS 4496.
Belgium	P	Apr. 9, 1910	July 1, 1909	36 Stat. 2685.
	Pm	June 14, 1911	.....do.....	37 Stat. 1688.
	UCC	Sept. 6, 1952	Aug. 31, 1960	6 UST 2731.
Bolivia	BAC	Aug. 11, 1910	May 15, 1914	38 Stat. 1785.
Brazil	BAC	.....do.....	Aug. 31, 1915	Do.
	Pm	Apr. 2, 1957	Apr. 2, 1957	TIAS 3793.
	UCC	Sept. 6, 1952	Jan. 13, 1960	6 UST 2731.
Cambodia	UCC	Sept. 6, 1952	Sept. 16, 1955	6 UST 2731.
Canada ^{1, 3}	Pm	Dec. 27, 1923	Jan. 1, 1924	43 Stat. 1932.
Chile ^{17, 19}	P	Apr. 9, 1910	July 1, 1909	36 Stat. 2685.
	Pm	Nov. 18, 1925	July 1, 1925	44 Stat. 2590.
	BAC	Aug. 11, 1910	June 14, 1955	38 Stat. 1785.
	UCC	Sept. 6, 1952	Sept. 16, 1955	6 UST 2731.
China	T	Oct. 8, 1903	Jan. 13, 1904	33 Stat. 2208.
	P	Nov. 4, 1946	Nov. 30, 1948	63 Stat. 1299.
Colombia	BAC	Aug. 11, 1910	Dec. 23, 1936	38 Stat. 1785.
Costa Rica	P	Apr. 9, 1910	July 1, 1909	36 Stat. 2685.
	BAC	Aug. 11, 1910	Nov. 30, 1916	38 Stat. 1785.
	UCC	Sept. 6, 1952	Sept. 16, 1955	6 UST 2731.
Cuba ¹⁹	P	Apr. 9, 1910	July 1, 1909	36 Stat. 2685.
	Pm	Nov. 27, 1911	May 29, 1911	37 Stat. 1721.
	UCC	Sept. 6, 1952	June 18, 1957	6 UST 2731.
Czechoslovakia ¹⁷	Pm	Apr. 27, 1927	Mar. 1, 1927	45 Stat. 2906.
	UCC	Sept. 6, 1952	Jan. 6, 1960	6 UST 2731.
Denmark	P	Apr. 9, 1910	July 1, 1909	36 Stat. 2685.
	Pm	Dec. 9, 1920	Dec. 9, 1920	41 Stat. 1810.
Dominican Republic	BAC	Aug. 11, 1910	Oct. 31, 1912	38 Stat. 1785.
Ecuador ¹⁹	BAC	.....do.....	Aug. 31, 1914	Do.
	UCC	Sept. 6, 1952	June 5, 1957	6 UST 2731.
Elire (See Ireland).	MCC	Jan. 27, 1902	June 30, 1908	35 Stat. 1934.
El Salvador	Pm	Dec. 15, 1928	Jan. 1, 1929	45 Stat. 2880.
Finland	P	Apr. 9, 1910	July 1, 1909	36 Stat. 2685.
France ²¹	Pm	May 24, 1918	May 24, 1918	40 Stat. 1784.
	UCC	Sept. 6, 1952	Jan. 14, 1956	6 UST 2731.
	P	Apr. 9, 1910	July 1, 1909	36 Stat. 2685.
Germany ²	Pm	Dec. 8, 1910	Dec. 8, 1910	36 Stat. 2761.
	UCC	Sept. 6, 1952	Sept. 16, 1955	6 UST 2731.
Germany (Federal Republic) ²²				
Great Britain (See United Kingdom).				
Greece	Pm	Feb. 23, 1932	Mar. 1, 1932	47 Stat. 2502.
Guatemala	BAC	Aug. 11, 1910	Mar. 28, 1913	38 Stat. 1785.
Haiti	BAC	.....do.....	Nov. 27, 1919	Do.
	UCC	Sept. 6, 1952	Sept. 16, 1955	6 UST 2731.
Holy See	UCC	.....do.....	Oct. 5, 1955	Do.
Honduras	BAC	Aug. 11, 1910	Apr. 27, 1914	38 Stat. 1785.
Hungary ^{2, 6, 7, 8}	Cm	Jan. 30, 1912	Oct. 16, 1912	37 Stat. 1631.
	T	Feb. 10, 1947	Sept. 15, 1947	61 Stat. 2065.
	UCC	Sept. 6, 1952	Dec. 18, 1956	6 UST 2731.
Iceland ^{17, 19, 19}	Pm	Oct. 21, 1954	Aug. 15, 1947	19 F. R. 6967.
India ⁹	UCC	Sept. 6, 1952	Jan. 21, 1958	6 UST 2731.
	Pm	Sept. 28, 1929	Oct. 1, 1929	46 Stat. 3005.
Ireland ¹⁰	UCC	Sept. 6, 1952	Jan. 20, 1959	6 UST 2731.
	Pm	May 4, 1950	May 15, 1948	64 Stat. A402.
Israel	UCC	Sept. 6, 1952	Sept. 16, 1955	6 UST 2731.
	P	Apr. 9, 1910	July 1, 1909	36 Stat. 2685.
Italy ^{9, 11, 12, 17}	Pm	May 1, 1915	May 1, 1915	39 Stat. 1725.
	T	Feb. 10, 1947	Sept. 15, 1947	61 Stat. 1245.
	UCC	Sept. 6, 1952	Jan. 24, 1957	6 UST 2731.
Japan	UCC	.....do.....	Apr. 28, 1956	Do.
Laos	UCC	.....do.....	Sept. 16, 1955	Do.
Lebanon	UCC	.....do.....	Oct. 17, 1959	Do.
Liberia ¹⁹	UCC	.....do.....	July 27, 1956	Do.
Liechtenstein ¹⁹	UCC	.....do.....	Jan. 22, 1959	Do.
Luxembourg	P	June 29, 1910	June 29, 1910	36 Stat. 2716.
	Pm	June 14, 1911	.....do.....	37 Stat. 1689.
	UCC	Sept. 6, 1952	Oct. 15, 1955	6 UST 2731.
	P	Apr. 9, 1910	July 1, 1909	36 Stat. 2685.
Mexico ^{17, 19}	UCC	Sept. 6, 1952	May 12, 1957	6 UST 2731.
	Pm	Oct. 15, 1952	Oct. 15, 1952	67 Stat. C16.
Monaco ¹⁹	UCC	Sept. 6, 1952	Sept. 16, 1955	6 UST 2731.
	P	Apr. 9, 1910	July 1, 1909	36 Stat. 2685.
Netherlands and Possessions ¹⁹	Pm	Feb. 26, 1923	Oct. 2, 1922	42 Stat. 2297.
	P	Feb. 9, 1917	Dec. 1, 1916	39 Stat. 1815.
New Zealand ¹	BAC	Aug. 11, 1910	Dec. 15, 1913	38 Stat. 1785.
Nicaragua	BAC	Apr. 9, 1910	July 1, 1909	36 Stat. 2685.
Norway	Pm	June 14, 1911	Sept. 9, 1910	37 Stat. 1687.
Pakistan	UCC	Sept. 6, 1952	Sept. 16, 1955	6 UST 2731.
Panama	BAC	Aug. 11, 1910	Nov. 25, 1913	38 Stat. 1785.
Paraguay	BAC	Aug. 11, 1910	Sept. 20, 1917	38 Stat. 1785.
Peru	BAC	.....do.....	Apr. 30, 1920	Do.
Philippines ¹⁴	Pm	Oct. 21, 1948	Oct. 21, 1948	62 Stat. 1568.
	UCC	Sept. 6, 1952	.....do.....	6 UST 2731.
Poland	Pm	Feb. 14, 1927	Feb. 16, 1927	44 Stat. 2634.
Portugal	P	Apr. 9, 1910	July 1, 1909	36 Stat. 2685.
	UCC	Sept. 6, 1952	Dec. 25, 1956	6 UST 2731.
Rumania ^{6, 18}	Pm	May 14, 1928	May 14, 1928	45 Stat. 2949.
	T	Feb. 10, 1947	Sept. 15, 1947	61 Stat. 1757.
Salvador, El (See El Salvador).				

PARTICULAR PROCLAMATIONS, TREATIES AND CONVENTIONS ESTABLISHING COPYRIGHT RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND OTHER COUNTRIES—Continued

Country	Document	Date signed	Date effective	Reference
Slam (See Thailand).				
Spain ^{17, 19}	P	Apr. 9, 1910	July 1, 1909	36 Stat. 2685.
	Pm	Oct. 10, 1934	Oct. 10, 1934	49 Stat. 3420.
	UCC	Sept. 6, 1952	Sept. 16, 1955	6 UST 2731.
Sweden	P	May 26, 1911	June 1, 1911	37 Stat. 1682.
	Pm	Feb. 27, 1920	Feb. 1, 1920	41 Stat. 1787.
Switzerland ¹⁹	P	Apr. 9, 1910	July 1, 1909	36 Stat. 2685.
	Pm	Nov. 22, 1924	July 1, 1923	43 Stat. 1976.
	UCC	Sept. 6, 1952	Mar. 30, 1956	6 UST 2731.
	T	Nov. 13, 1937	Oct. 1, 1938	53 Stat. 1731.
Thailand				
Tunisia	P	Oct. 4, 1912	Oct. 4, 1912	37 Stat. 1765.
Union of South Africa ¹	Pm	June 26, 1924	July 1, 1924	43 Stat. 1957.
United Kingdom and Possessions ¹	P	Apr. 9, 1910	July 1, 1909	36 Stat. 2685.
United Kingdom and the British Dominions, Colonies and Possessions with exception of Canada, Australia, New Zealand, South Africa, and Newfoundland ¹	Pm	Jan. 1, 1915	Jan. 1, 1915	38 Stat. 2044.
United Kingdom	UCC	Sept. 6, 1952	Sept. 27, 1957	6 UST 2731.
Uruguay	BAC	Aug. 11, 1910	Dec. 17, 1919	38 Stat. 1785.
Vatican City (See Holy See).				

¹ The proclamation of Apr. 9, 1910, listed under the United Kingdom, applies to "Great Britain and the British possessions."

² The United States entered into treaties restoring friendly relations with Austria, Germany, and Hungary at Vienna on Aug. 24, 1921 (42 Stat. 1946; TS 659); at Berlin on Aug. 25, 1921 (42 Stat. 1939; TS 658) and at Budapest on Aug. 29, 1921 (42 Stat. 1951; TS 610), respectively. By virtue of these treaties the United States became entitled to the benefits of the provisions relative to copyright protection in the treaties of peace signed by Austria, Germany, and Hungary at Saint-Germain-en-Laye on Sept. 10, 1919, at Versailles on June 28, 1919, and at Trianon on June 4, 1920, respectively. (See also footnote 6.)

³ The proclamation of Dec. 27, 1923, is considered as applying to Newfoundland at the present time.

⁴ The Treaty of Friendship, Commerce and Navigation (Art. IX) together with the Protocol (par. 5) signed at Nanking Nov. 4, 1946, and the reservation and understandings in the ratification by the United States (TIAS 1871) govern present copyright relations between the United States and China. Although Article XXIX of this Treaty lists the earlier Treaty as to Commercial Relations signed at Shanghai Oct. 8, 1903 (33 Stat. 2208, TS 430), as superseded by the 1946 Treaty, the ratification by the United States provides in part that the 1946 Treaty is subject to the following reservation and understandings: "The Government of the United States of America does not accept section 5(c) of the Protocol relating to protection against translations of literary and artistic works, and with the understanding that United States interests in this respect will be interpreted in accordance with the provisions of the Treaty as to Commercial Relations signed at Shanghai, Oct. 8, 1903, until further negotiations and agreement concerning translations are forthcoming."

⁵ The proclamation of Apr. 9, 1910, applied when issued to the areas now within the boundaries of Burma and Ceylon, India and Pakistan. Since their change of status, separate copyright relations have been established with India and Pakistan (q.v.). No new copyright relations have to date been established with Burma or Ceylon.

⁶ Copyright Convention signed at Budapest Jan. 30, 1912 (TS 571). This Convention was continued in force following World War I by notice given by the United States on May 27, 1922, to Hungary in pursuance of Article 224 of the Treaty of Trianon concluded on June 4, 1920 (III Treaties [Redmond] 3539), to the benefits of which the United States became entitled by the Treaty of Aug. 29, 1921, establishing friendly relations between the United States and Hungary (42 Stat. 1951; TS 660). The Convention of 1912 was kept in force or revised following World War II by notice given on Mar. 9, 1948, by the United States to Hungary pursuant to Article 10 of the Treaty of Peace with Hungary (61 Stat. 2065; Department of State Bulletin Mar. 21, 1948, p. 382).

⁷ Treaty of Peace with Hungary (Annex IV A) dated at Paris Feb. 10, 1947 (TIAS 1651).

⁸ Except with respect to rights of third parties, the provisions relating to protection of copyright in the annexes of the Treaties of Peace with Hungary, Italy, and Rumania, dated at Paris Feb. 10, 1947, are bilateral in character. For example, the provisions of Annex IV A of the Treaty of Peace with Hungary relate, in general, to copyright relations between Hungary, on the one part, and each of the other ratifying or adhering States, on the other part. Those provisions do not pertain to copyright relations between those other States, except for third party rights. Annex IV of the Treaty of Peace with Bulgaria dated at Paris Feb. 10, 1947 (61 Stat. 1915; TIAS 1650), contains similar provisions; however, there are no general copyright relations between the United States and Bulgaria.

⁹ The proclamation of Oct. 21, 1954, affirms the existence of copyright relations with India after Aug. 15, 1947 (the effective date of the Indian Independence Act), as before that date (see footnotes 1 and 5).

¹⁰ The Department of State has determined that the entry into force on Apr. 18, 1949, of the Republic of Ireland Act had no effect upon the

CROSS REFERENCES

Ad interim protection of book or periodical published abroad, see section 22 of this title.

Assignment and bequest of copyright, see section 28 of this title.

Author as including employer in case of works made for hire, see section 26 of this title.

Deposit of copies of foreign authors published in foreign country, see section 13 of this title.

Exclusive nature of right obtained under copyright, see section 1 of this title.

Persons entitled to renewal of copyright, see section 24 of this title.

Procedure to obtain registration of copyright, see Rules and Regulations issued by the Register of Copyrights as set out under section 207 of this title.

Proprietors entitled to sue for infringement of copyright, see section 101 of this title.

Works of foreign author or composer of musical compositions, see section 1 (e) of this title.

§ 10. Publication of work with notice.

Any person entitled thereto by this title may secure copyright for his work by publication thereof with the notice of copyright required by this title; and

proclamation of Sept. 28, 1929, regarding the Irish Free State (Eire). Copyright relations with Ireland are therefore governed by that proclamation.

¹¹ The exchange of notes between the United States and Italy, on the basis of which the proclamations of Oct. 31, 1892 (omitted from list) and May 1, 1915, were issued, was the subject of a note delivered on Mar. 12, 1948, to the Italian Foreign Office by the American Embassy at Rome with respect to pre-war bilateral treaties and other international agreements which the United States desired to keep in force or revive pursuant to Article 44 of the Treaty of Peace with Italy. The note stated in part "that the Government of the United States of America wishes to include the reciprocal copyright arrangement between the United States and Italy effected pursuant to the exchange of notes signed at Washington Oct. 28, 1892, and the exchange of notes signed at Washington Sept. 2, 1914, Feb. 12, Mar. 4 and Mar. 11, 1915, among the pre-war bilateral treaties and other international agreements with Italy which the United States desires to keep in force or revive. Accordingly, it is understood that the aforementioned arrangement will continue in force and that the Government of each country will extend to the nationals of the other country treatment as favorable with respect to copyright as was contemplated at the time the arrangement was entered into by the two countries."

¹² Treaty of Peace with Italy (Annex XV. A) dated at Paris Feb. 10, 1947 (TIAS 1648).

¹³ The Department of State has made no announcement as to the applicability of these proclamations to Indonesia since it acquired its new status.

¹⁴ With regard to the Universal Copyright Convention, UNESCO has advised the United States Government that a communication dated Nov. 14, 1955 was received from the Philippine Minister in Paris stating that the Philippine President had directed the withdrawal of the instrument of accession prior to Nov. 19, 1955, the date on which the Convention would become effective in respect of the Philippines. The Department of State has made no announcement as to the legal effect of this communication.

¹⁵ In a note delivered Feb. 26, 1948 to the Rumanian Minister for Foreign Affairs by the American Minister at Bucharest with respect to pre-war bilateral treaties and other international agreements which the United States desired to keep in force or revive pursuant to Article 10 of the Treaty of Peace with Rumania, dated at Paris, Feb. 10, 1947 (TIAS 1649), the following statement was made regarding the proclamation of May 14, 1928, and the exchange of notes on which it is based, "It shall be understood that the reciprocal copyright arrangement between the United States and Rumania effected pursuant to the exchange of notes signed at Bucharest May 13 and Oct. 13, 1928, and at Washington May 12 and 19, 1928, and the proclamation issued May 14, 1928, by the President of the United States of America will continue in force."

¹⁶ Treaty of friendship, commerce and navigation, protocol and exchanges of notes, signed at Bangkok Nov. 13, 1937 (Article 9 of the Treaty) [TS 940]. This treaty replaces the treaty of friendship, commerce and navigation between the United States and Siam signed at Washington Dec. 16, 1920 (TS 655), Article XII of which contains provisions relating to copyright protection.

¹⁷ Not a party to Protocol 1 annexed to the Universal Copyright Convention.

¹⁸ Not a party to Protocol 2 annexed to the Universal Copyright Convention.

¹⁹ Not a party to Protocol 3 annexed to the Universal Copyright Convention.

²⁰ Ratification of the Convention and Protocols 2 and 3 was deposited December 31, 1952, on behalf of the Bishop of Urgel, co-Prince of Andorra; and ratification of the Convention and Protocols 1, 2, and 3 was deposited January 22, 1953, on behalf of the President of the French Republic, also as co-Prince of Andorra.

²¹ France notified the Director-General of UNESCO on November 16, 1955, that the Convention and the three Protocols apply as from the date of their entry into force in respect to France, to metropolitan France and to the Departments of Algeria, Guadeloupe, Martinique, Guiana, and Reunion.

²² The Director-General of UNESCO received on September 12, 1955, the following declaration made on behalf of the Federal Republic of Germany: "The Universal Copyright Convention and Protocols 1, 2 and 3 annexed shall likewise be applied to Land Berlin so soon as the Convention and the annexed Protocols come into force in respect of the Federal Republic of Germany."

such notice shall be affixed to each copy thereof published or offered for sale in the United States by authority of the copyright proprietor, except in the case of books seeking ad interim protection under section 22 of this title. (July 30, 1947, ch. 391, 61 Stat. 656.)

CROSS REFERENCES

Action for infringement of copyright, see section 101 of this title.

Ad interim protection of book published abroad, see section 22 of this title.

Common law copyright in unpublished works, see section 2 of this title.

Component parts of work copyrighted, see section 8 of this title.

Deposit of copies after publication, see sections 13 and 14 of this title.

Exemption from requirement that mechanical work be done in United States, see section 16 of this title.

Notice of copyright—

Accidental omission, see section 21 of this title.

Form of, see section 19 of this title.

Fraudulent, see section 105 of this title.

Place of affixing, see section 20 of this title.

Persons entitled to secure copyright, see section 9 of this title.

Willful infringement for profit, see section 104 of this title.

Works not reproduced for sale, see section 12 of this title.

§ 11. Registration of claim and issuance of certificate.

Such person may obtain registration of his claim to copyright by complying with the provisions of this title, including the deposit of copies, and upon such compliance the Register of Copyrights shall issue to him the certificates provided for in section 209 of this title. (July 30, 1947, ch. 391, 61 Stat. 656.)

CROSS REFERENCES

Certificate of registration, see section 209 of this title.

Deposit of copies after publication, see section 13 of this title.

§ 12. Works not reproduced for sale.

Copyright may also be had of the works of an author, of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic, musical, or dramatico-musical composition; of a title and description, with one print taken from each scene or act, if the work be a motion-picture photoplay; of a photographic print if the work be a photograph; of a title and description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay; or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under sections 13 and 14 of this title, where the work is later reproduced in copies for sale. (July 30, 1947, ch. 391, 61 Stat. 656.)

CROSS REFERENCES

Action for infringement of copyright, see section 101 of this title.

Articles deposited to be transmitted without cost and receipt given on demand, see section 15 of this title.

Common law rights in unpublished work, see section 2 of this title.

Duration and renewal of copyright, see section 24 of this title.

Entry of deposit in record books of Copyright Office, see section 208 of this title.

Notice of destruction of unpublished manuscripts, see section 214 of this title.

Receipt for copies deposited furnished without charge upon request, see section 209 of this title.

§ 13. Deposit of copies after publication; action or proceeding for infringement.

After copyright has been secured by publication of the work with the notice of copyright as provided in section 10 of this title, there shall be promptly deposited in the Copyright Office or in the mail addressed to the Register of Copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, or if the work is by an author who is a citizen or subject of a foreign state or nation and has been published in a foreign country, one complete copy of the best edition then published in such foreign country, which copies or copy, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section 16 of this title; or if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work belongs to a class specified in subsections (g), (h), (i) or (k) of section 5 of this title, and if the Register of Copyrights determines that it is impracticable to deposit copies because of their size, weight, fragility, or monetary value he may permit the deposit of photographs or other identifying reproductions in lieu of copies of the work as published under such rules and regulations as he may prescribe with the approval of the Librarian of Congress; or if the work is not reproduced in copies for sale there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section 12 of this title, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this title with respect to the deposit of copies and registration of such work shall have been complied with. (July 30, 1947, ch. 391, 61 Stat. 656; Mar. 29, 1956, ch. 109, 70 Stat. 63.)

AMENDMENTS

1956—Act Mar. 29, 1956, permitted the deposit of photographs or other identifying reproductions in lieu of copies of the work if the work belongs to a class specified in section 5 (g), (h), (i) or (k) of this title.

CROSS REFERENCES

Action for infringement of copyright, see section 101 of this title.

Affidavit to accompany copies, see section 17 of this title.

Articles deposited to be transmitted without cost and receipt given on demand, see section 15 of this title.

Certificate of compliance as condition to importation, see section 109 of this title.

Deposit of photographs or other identifying reproductions in lieu of copies, see Rules and Regulations § 202.16 set out in Appendix to this title.

Entry of deposit in record books of Copyright Office, see section 208 of this title.

Exemption from deposit requirements, see section 9 of this title.

Failure to deposit copies; penalty, see section 14 of this title.

Mechanical work to be done in United States, see section 16 of this title.

Proof of deposit of copies by persons objecting to importation of copyrighted articles, see section 109 of this title.

Publication with notice of copyright, see section 10 of this title.

Receipt for copies deposited furnished without charge upon request, see section 209 of this title.

§ 14. Same; failure to deposit; demand; penalty.

Should the copies called for by section 13 of this title not be promptly deposited as provided in this title, the Register of Copyrights may at any time after the publication of the work, upon actual notice, require the proprietor of the copyright to deposit them, and after the said demand shall have been made, in default of the deposit of copies of the work within three months from any part of the United States, except an outlying territorial possession of the United States, or within six months from any outlying territorial possession of the United States, or from any foreign country, the proprietor of the copyright shall be liable to a fine of \$100 and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work, and the copyright shall become void. (July 30, 1947, ch. 391, 61 Stat. 657.)

CROSS REFERENCES

Exemption under Universal Copyright Convention, see section 9 of this title.

Jurisdiction of district courts of fines, penalties or forfeitures, see section 1355 of Title 28, Judiciary and Judicial Procedure.

Waiver of deposit requirements, see Rules and Regulations § 202.3 set out in Appendix to this title.

Works not reproduced for sale, deposit of copies, see section 12 of this title.

§ 15. Same; postmaster's receipt; transmission by mail without cost.

The postmaster to whom are delivered the articles deposited as provided in sections 12 and 13 of this title shall, if requested, give a receipt therefor and shall mail them to their destination without cost to the copyright claimant. (July 30, 1947, ch. 391, 61 Stat. 657.)

CROSS REFERENCES

Deposit of copies—

After publication, see section 13 of this title.

Of works not reproduced for sale, see section 12 of this title.

Penalty mail, authorization to use, see section 4152 of Title 39, The Postal Service.

Reimbursement of Post Office Department of equivalent amount of postage for matter sent without prepayment of postage, see section 4156 of Title 39, The Postal Service.

§ 16. Mechanical work to be done in United States.

Of the printed book or periodical specified in section 5, subsections (a) and (b), of this title, except the original text of a book or periodical of foreign origin in a language or languages other than English, the text of all copies accorded protection under this title, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of type-setting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photoengraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the

United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photoengraving process, and also to separate lithographs or photoengravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art: *Provided, however,* That said requirements shall not apply to works in raised characters for the use of the blind, or to books or periodicals of foreign origin in a language or languages other than English, or to works printed or produced in the United States by any other process than those above specified in this section, or to copies of books or periodicals, first published abroad in the English language, imported into the United States within five years after first publication in a foreign state or nation up to the number of fifteen hundred copies of each such book or periodical if said copies shall contain notice of copyright in accordance with sections 10, 19, and 20 of this title and if ad interim copyright in said work shall have been obtained pursuant to section 22 of this title prior to the importation into the United States of any copy except those permitted by the provisions of section 107 of this title: *Provided further,* That the provisions of this section shall not affect the right of importation under the provisions of section 107 of this title. (July 30, 1947, ch. 391, 61 Stat. 657; June 3, 1949, ch. 171, § 1, 63 Stat. 153; Aug. 31, 1954, ch. 1161, § 2, 68 Stat. 1031.)

AMENDMENTS

1954—Act Aug. 31, 1954, permitted an author who is a citizen or domiciliary of the United States and who first publishes a book abroad in the English language to import 1,500 copies and eliminated from the end of the last clause the words "nor the extension of time within which to comply with conditions and formalities granted by Presidential Proclamation No. 2608, of March 14, 1944".

1949—Act June 3, 1949, added the words "or periodical" in the clause "except the original text of a book or periodical of foreign origin" in the first part of this section, and substituted the two provisos for a single proviso which read: "Provided, however, That said requirements shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this title, or to works printed or produced in the United States by any other process than those above specified in this section."

EFFECTIVE DATE OF 1954 AMENDMENT

Amendment effective upon the coming into force of the Universal Copyright Convention, see note under section 9 of this title.

CROSS REFERENCES

Affidavit to accompany copies, see section 17 of this title.

Copies to be deposited, mechanical work on, see section 13 of this title.

Destruction of infringing devices and plates, see section 101 of this title.

Exemption under Universal Copyright Convention, see section 9 of this title.

Extension of copyright, see section 23 of this title.

Forfeiture of all articles, the importation of which is prohibited by this title (except those in the mails), see section 108 of this title.

Import statements, see Rules and Regulations § 201.8 set out in Appendix to this title.

Importation of piratical copies during existence of American copyright in any book, see section 107 of this title.

§ 17. Affidavit to accompany copies.

In the case of the book the copies so deposited shall be accompanied by an affidavit under the official seal of any officer authorized to administer oaths within the United States, duly made by the person claiming copyright or by his duly authorized agent or representative residing in the United States, or by the printer who has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States or from plates made within the limits of the United States from type set therein; or, if the text be produced by lithographic process, or photoengraving process, that such process was wholly performed within the limits of the United States and that the printing of the text and binding of the said book have also been performed within the limits of the United States. Such affidavit shall state also the place where and the establishment or establishments in which such type was set or plates were made or lithographic process, or photoengraving process or printing and binding were performed and the date of the completion of the printing of the book or the date of publication. (July 30, 1947 ch. 391, 61 Stat. 657.)

CROSS REFERENCES

Certificate of registration, statement of receipt of affidavit in, see section 209 of this title.

Exemption under Universal Copyright Convention, see section 9 of this title.

§ 18. Making false affidavit.

Any person who, for the purpose of obtaining registration of a claim to copyright, shall knowingly make a false affidavit as to his having complied with the above conditions shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$1,000, and all of his rights and privileges under said copyright shall thereafter be forfeited. (July 30, 1947, ch. 391, 61 Stat. 658.)

CROSS REFERENCES

Exemption under Universal Copyright Convention, see section 9 of this title.

§ 19. Notice; form.

The notice of copyright required by section 10 of this title shall consist either of the word "Copyright", the abbreviation "Copr.", or the symbol ©, accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in subsections (f) to (k), inclusive, of section 5 of this title, the notice may consist of the letter C enclosed within a circle, thus ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor: *Provided,* That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. But in the case of works in which copyright was subsisting on July 1, 1909, the notice of copyright may be either in one of the forms prescribed herein or may consist of the following words: "Entered according to Act of Congress, in the year , by A. B., in the office of the Librarian of Congress, at Washington, D. C.," or, at his option, the word "Copyright", together with

the year the copyright was entered and the name of the party by whom it was taken out; thus, "Copyright, 19—, by A. B." (July 30, 1947, ch. 391, 61 Stat. 658; Aug. 31, 1954, ch. 1161, § 3, 68 Stat. 1032.)

AMENDMENTS

1954—Act Aug. 31, 1954, permitted an author or publisher to utilize the symbol © as an alternative statutory copyright notice in the works of all classes.

EFFECTIVE DATE OF 1954 AMENDMENT

Amendment effective upon the coming into force of the Universal Copyright Convention, see note under section 9 of this title.

CROSS REFERENCES

Action for infringement of copyright, see section 101 of this title.

Exemption under Universal Copyright Convention, see section 9 of this title.

Mechanical work to be done in United States, exception, see section 16 of this title.

Notice of copyright—

Accidental omission of, see section 21 of this title.

Fraudulent, see section 105 of this title.

Place of affixing, see section 20 of this title.

Publication with, see section 10 of this title.

§ 20. Same; place of application of; one notice in each volume or number of newspaper or periodical.

The notice of copyright shall be applied, in the case of a book or other printed publication, upon its title page or the page immediately following, or if a periodical either upon the title page or upon the first page of text of each separate number or under the title heading, or if a musical work either upon its title page or the first page of music. One notice of copyright in each volume or in each number of a newspaper or periodical published shall suffice. (July 30, 1947, ch. 391, 61 Stat. 658.)

CROSS REFERENCES

Copyright as protecting all the copyrightable component parts of the work copyrighted, see section 3 of this title.

Exemption under Universal Copyright Convention, see section 9 of this title.

Mechanical work to be done in United States, exception, see section 16 of this title.

Notice of copyright—

Accidental omission of, see section 21 of this title.

Form of, see section 19 of this title.

Fraudulent, see section 105 of this title.

Publication with, see section 10 of this title.

§ 21. Same; effect of accidental omission from copy or copies.

Where the copyright proprietor has sought to comply with the provisions of this title with respect to notice, the omission by accident or mistake of the prescribed notice from a particular copy or copies shall not invalidate the copyright or prevent recovery for infringement against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of the notice; and in a suit for infringement no permanent injunction shall be had unless the copyright proprietor shall reimburse to the innocent infringer his reasonable outlay innocently incurred if the court, in its discretion, shall so direct. (July 30, 1947, ch. 391, 61 Stat. 658.)

CROSS REFERENCES

Action for infringement of copyright, see section 101 of this title.

Injunctions, see sections 101 and 112 of this title.

Notice of copyright—

Form of, see section 19 of this title.

Fraudulent, see section 105 of this title.

Place of affixing, see section 20 of this title.

Publication with, see section 10 of this title.

§ 22. Ad interim protection of book or periodical published abroad.

In the case of a book or periodical first published abroad in the English language, the deposit in the Copyright Office, not later than six months after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book or periodical, shall secure to the author or proprietor an ad interim copyright therein, which shall have all the force and effect given to copyright by this title, and shall endure until the expiration of five years after the date of first publication abroad. (July 30, 1947, ch. 391, 61 Stat. 659; June 3, 1949, ch. 171, § 2, 63 Stat. 154.)

AMENDMENTS

1949—Act June 3, 1949, among other changes, extended the 60 day interim registration period to six months and the 4 months ad interim registration period to five years.

CROSS REFERENCES

Alien authors or proprietors entitled to secure copyright, see section 9 of this title.

Importation of—

Article bearing false notice, see section 106 of this title.

Piratical copies during existence of copyright, see section 107 of this title.

Works of foreign author or composer of musical composition, see section 1 of this title.

Mechanical work to be done in United States, see section 16 of this title.

Publication of work with notice, see section 10 of this title.

§ 23. Same; extension to full term.

Whenever within the period of such ad interim protection an authorized edition of such books or periodicals shall be published within the United States, in accordance with the manufacturing provisions specified in section 16 of this title, and whenever the provisions of this title as to deposit of copies, registration, filing of affidavits, and the printing of the copyright notice shall have been duly complied with, the copyright shall be extended to endure in such book or periodical for the term provided in this title. (July 30, 1947, ch. 391, 61 Stat. 659; June 3, 1949, ch. 171, § 3, 63 Stat. 154.)

AMENDMENTS

1949—Act June 3, 1949, made section applicable to periodicals.

CROSS REFERENCES

Exemption under Universal Copyright Convention, see section 9 of this title.

§ 24. Duration; renewal and extension.

The copyright secured by this title shall endure for twenty-eight years from the date of first publication, whether the copyrighted work bears the author's true name or is published anonymously or under an assumed name: *Provided*, That in the case of any posthumous work or of any periodical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the

individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work, the author of such work, if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors, or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in default of the registration of such application for renewal and extension, the copyright in any work shall determine at the expiration of twenty-eight years from first publication (July 30, 1947, ch. 391, 61 Stat. 659.)

EXTENSION UNTIL DECEMBER 31, 1965, OF RENEWAL TERMS EXPIRING PRIOR TO SUCH DATE

Pub. L. 87-668, Sept. 19, 1962, 76 Stat. 555, provided: "That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution [Sept. 19, 1962] would expire prior to December 31, 1965, such term is hereby continued until December 31, 1965."

CROSS REFERENCES

Date of publication defined, see section 26 of this title.
Duration and renewal of registration of trade-marks, see section 1058 et seq. of Title 15, Commerce and Trade.
Duration of term of patents, see section 154 of Title 35, Patents.

Fees for recording renewal of copyright and issuance of certificate therefor, see section 215 of this title.

Persons entitled to secure copyright, see section 9 of this title.

Publication with notice of copyright, see section 10 of this title.

Works not reproduced for sale, see section 12 of this title.

§ 25. Renewal of copyrights registered in Patent Office under repealed law.

Subsisting copyrights originally registered in the Patent Office prior to July 1, 1940, under section 3 of the act of June 18, 1874, shall be subject to renewal in behalf of the proprietor upon application made to the Register of Copyrights within one year prior to the expiration of the original term of twenty-eight years. (July 30, 1947, ch. 391, 61 Stat. 659.)

CROSS REFERENCES

Registration of prints and labels, see section 6 of this title.

§ 26. Terms defined.

In the interpretation and construction of this title "the date of publication" shall in the case of a work of which copies are reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold,

or publicly distributed by the proprietor of the copyright or under his authority, and the word "author" shall include an employer in the case of works made for hire. (July 30, 1947, ch. 391, 61 Stat. 659.)

CROSS REFERENCES

Duration and renewal of copyright, see section 24 of this title.

Persons entitled to copyright, see section 9 of this title.

Publication with notice of copyright, see section 10 of this title.

§ 27. Copyright distinct from property in object copyrighted; effect of sale of object, and of assignment of copyright.

The copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this title shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the possession of which has been lawfully obtained. (July 30, 1947, ch. 391, 61 Stat. 652.)

CROSS REFERENCES

Assignment, mortgage and bequest of copyright, see section 28 of this title.

Common law copyright not affected, see section 2 of this title.

Exclusive rights of copyrighted work, see section 1 of this title.

§ 28. Assignments and bequests.

Copyright secured under this title or previous copyright laws of the United States may be assigned, granted, or mortgaged by an instrument in writing signed by the proprietor of the copyright, or may be bequeathed by will. (July 30, 1947, ch. 391, 61 Stat. 660.)

CROSS REFERENCES

Assignment—

Certificate of record, see section 31 of this title.

Execution in foreign country, see sections 29 of this title.

Fees for recording, see section 215 of this title.

Patents, see section 261 of Title 35, Patents.

Recordation in Copyright Office, see section 30 of this title.

Registered trade-marks, see section 1060 of Title 15, Commerce and Trade.

Use of name of assignee in notice, see section 32 of this title.

Copyright not capital asset for purpose of capital gains, see section 1221 of Title 26, Internal Revenue Code.

Duration and renewal of copyright, see section 24 of this title.

Effect of sale of object and assignment of copyright, see section 27 of this title.

Jurisdiction of district courts of actions arising under copyright laws, see section 1333 of Title 28, Judiciary and Judicial Procedure.

Licensing of musical compositions, see section 1 of this title.

§ 29. Same; executed in foreign country; acknowledgment and certificate.

Every assignment of copyright executed in a foreign country shall be acknowledged by the assignor before a consular officer or secretary of legation of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgment under the hand and official seal of such consular officer or secretary of legation

shall be prima facie evidence of the execution of the instrument. (July 30, 1947, ch. 391, 61 Stat. 660.)

§ 30. Same; record.

Every assignment of copyright shall be recorded in the copyright office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded. (July 30, 1947, ch. 391, 61 Stat. 660.)

§ 31. Same; certificate of record.

The Register of Copyrights shall, upon payment of the prescribed fee, record such assignment, and shall return it to the sender with a certificate of record attached under seal of the copyright office, and upon the payment of the fee prescribed by this title he shall furnish to any person requesting the same a certified copy thereof under the said seal. (July 30, 1947, ch. 391, 61 Stat. 660.)

CROSS REFERENCES

Fees payable to Register of Copyrights, see section 215 of this title.

§ 32. Same; use of name of assignee in notice.

When an assignment of the copyright in a specified book or other work has been recorded the assignee may substitute his name for that of the assignor in the statutory notice of copyright prescribed by this title. (July 30, 1947, ch. 391, 61 Stat. 660.)

Chapter 2.—INFRINGEMENT PROCEEDINGS

Sec.

101. Infringement.
 - (a) Injunction.
 - (b) Damages and profits; amounts; other remedies.
 - (c) Impounding during action.
 - (d) Destruction of infringing copies and plates.
 - (e) Royalties for use of mechanical reproduction of musical works.
104. Willful infringement for profit.
105. Fraudulent notice of copyright, or removal or alteration of notice.
106. Importation of article bearing false notice or piratical copies of copyrighted work.
107. Importation, during existence of copyright, of piratical copies, or of copies not produced in accordance with section 16 of this title.
108. Forfeiture and destruction of articles prohibited importation.
109. Importation of prohibited articles; regulations; proof of deposit of copies by complainants.
112. Injunctions; service and enforcement.
113. Transmission of certified copies of papers for enforcement of injunction by other court.
114. Review of orders, judgments, or decrees.
115. Limitations.
116. Costs; attorney's fees.

AMENDMENTS

1957—Pub. L. 85-313, § 3, Sept. 7, 1957, 71 Stat. 633, substituted in item 115 "Limitations" for "Limitation of criminal proceedings".

1951—Act Oct. 31, 1951, ch. 655, § 17a, 65 Stat. 717, eliminated the following five items:

- "101. (f) Rules of procedure.
- "102. Jurisdiction of courts in enforcing remedies.
- "103. Joinder of proceedings for different remedies.
- "110. Jurisdiction of actions under laws.
- "111. District in which actions may be brought."

§ 101. Infringement.

If any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

(a) Injunction.

To an injunction restraining such infringement;

(b) Damages and profits; amount; other remedies.

To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only, and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits, such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in case of a newspaper reproduction of a copyrighted photograph, such damages shall not exceed the sum of \$200 nor be less than the sum of \$50, and in the case of the infringement of an undramatized or nondramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of \$100; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of \$5,000 nor be less than \$250, and such damages shall in no other case exceed the sum of \$5,000 nor be less than the sum of \$250, and shall not be regarded as a penalty. But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him.

First. In the case of a painting, statue, or sculpture, \$10 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Second. In the case of any work enumerated in section 5 of this title, except a painting, statue, or sculpture, \$1 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Third. In the case of a lecture, sermon, or address, \$50 for every infringing delivery;

Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, \$100 for the first and \$50 for every subsequent infringing performance; in the case of other musical compositions \$10 for every infringing performance;